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November 21, 2011

Hon. Andrew J. Guilford
United States District Court
Central District of California
Southern Division
411 West Fourth Street
Santa Ana, CA 92701

Re: Liberi v. Taitz
Our File No.: CH-078

Dear Judge Guilford:

Our office represents Defendant, Orly Taitz, in this case. For the reasons stated herein, Ms. Taitz and Defendant, Defend Our Freedoms Foundations (“DOFF”), respectfully seek leave to file a motion for clarification of the stay issued by this Court via its below-described orders with reference to a motion for summary judgment to be filed by Defendant, Intelius, Inc. (“Intelius”).

I. Background

On August 19, 2011, the Court (Dkt. No. 357) stayed this case as to Ms. Taitz, DOFF and Defendant, Orly Taitz, Inc., in connection with the appeal by Ms. Taitz and DOFF from the order denying their anti-SLAPP motion challenging Plaintiffs’ Complaint. On October 3, 2011, the Court (Dkt. No. 404) amended expanded the stay to apply to Defendant, Law Offices of Orly Taitz.

On October 17, 2011, the Court (Dkt. No. 415) denied Intelius’s motion to dismiss Plaintiffs’ First Amended Complaint. The Court at the hearing suggested that Intelius bring a motion for summary judgment. Intelius’s counsel have requested that Ms. Taitz provide a declaration in connection with such motion. Counsel have requested that if Ms. Taitz will not provide a declaration, that she submit to a deposition. Intelius’s counsel have indicated that if Ms. Taitz does not agree to either request, that it will notice her deposition and take all related action (e.g., a motion to compel her deposition) if she does not appear for her deposition.

Relatedly, Intelius’s counsel have expressed that the stay applies only as between Ms. Taitz,

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DOFF, Orly Taitz, Inc., and the Law Offices of Orly Taitz and Plaintiffs, and that it does not apply to any other Defendant (including Intelius). Thus, under Intelius's interpretation of the stay, it is not prevented from taking discovery as to Ms. Taitz and her related entities, nor from bringing motions against her. We respectfully disagree with Intelius's interpretation of the stay.

II. Summary of Orly Taitz's and DOFF's Concerns Regarding Intelius's Requests and Potential Effects on the Stay, Related Appeal and Discovery in Relation to the Stay

If Ms. Taitz agrees to provide a declaration as requested by Intelius, or if she submits to a deposition as requested by Intelius, Plaintiffs will likely argue that Ms. Taitz and DOFF have thereby waived or even violated the stay. We are concerned that Plaintiffs under this scenario will argue that Ms. Taitz, DOFF and their respective counsel are subject to sanctions. We are also concerned that if Ms. Taitz agrees to either request of Intelius, that Plaintiffs will argue that Ms. Taitz and DOFF have thereby waived their pending appeal.

If Ms. Taitz agrees to provide a declaration as requested by Intelius, or if she submits to a deposition as requested by Intelius, Plaintiffs will also likely argue that Ms. Taitz and DOFF have waived or even violated the stay as it relates to discovery. Plaintiffs will likely argue that they may conduct unlimited discovery as against Ms. Taitz, DOFF, Orly Taitz, Inc., and the Law Offices of Orly Taitz, without regard to the stay. Plaintiffs also will likely seek sanctions against Ms. Taitz, DOFF and their respective counsel under this scenario.

III. Conclusion

For the reasons stated herein, Ms. Taitz and DOFF respectfully seek leave to file a motion for clarification of the stay in relation to Intelius's motion for summary judgment. Thank you.

Respectfully submitted,

Very truly yours,

SCHUMANN, RALLO & ROSENBERG, LLP


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JPC/ml